United Nations

# Report of the United Nations High Commissioner for Human Rights

## General Assembly

Official Records • Fiftieth Session
Supplement No.36 (A/50/36)

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NOTE

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# I. INTRODUCTION

1. The fiftieth anniversary of the United Nations prompts a reflection on the achievement by the international community, since 1945, of one of the main purposes of the United Nations, namely, to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. It is an opportune time for stocktaking, particularly in respect of our assets and shortcomings, the observable trends in our activities and the responses to be adopted to the challenges ahead. Those questions were on the agenda of two high-level panel discussions organized by the United Nations High Commissioner for Human Rights in New York on 25 October 1995 in connection with the fiftieth anniversary: the first on the future of the human rights programme of the United Nations, and the second on women's rights as human rights.

2. Further to the recommendations of the World Conference on Human Rights in its Vienna Declaration and Programme of Action 1/ and the ensuing establishment of the Office of the United Nations High Commissioner for Human Rights, the human rights programme of the United Nations is undergoing extensive transformation and development. The implementation of human rights is being considered as one of the cornerstones of, and a top priority in, international activities and efforts aimed at the achievement of a world order based on cooperation, stability and peace. In view of the fact that the promotion and protection of human rights depends, first and foremost, on appropriate policies and structures at the national level, the United Nations is increasingly addressing human rights problems where they actually occur. In cooperation with Governments concerned, specialized agencies, and intergovernmental and non-governmental organizations, technical cooperation is being developed and human rights field presence set up.

3. The call by the World Conference on Human Rights for a United Nations system-wide approach to human rights issues is increasingly being reflected in the activities of its programmes and agencies and in the recommendations of major international conferences held recently. The implementation of the human rights programme of the United Nations is the responsibility of the entire human rights community, including Governments, the United Nations specialized agencies, relevant intergovernmental organizations, national and academic institutions, and non-governmental organizations. The integration and coordination of efforts and activities are the best guarantee for the accomplishment of the objectives set by the international community in this complex field. The ambitious human rights tasks entrusted to the United Nations require a competent and operative machinery and appropriate human and financial resources.

4. The Vienna Declaration and Programme of Action provides the guidelines for the United Nations human rights programme. The methods and means by which it is being implemented are reflected throughout the present report. However, detailed information concerning the ways in which the recommendations adopted by the World Conference on Human Rights are being put into effect is also contained in other reports dealing with human rights submitted to the General Assembly at its fiftieth session.

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS

### A. International cooperation

5. International cooperation is fundamental for the promotion and protection of human rights. Cooperation with all human rights actors and better coordination of human rights efforts throughout the United Nations system are essential to improve the efficiency and effectiveness of the human rights programme. The High Commissioner has been vested by the General Assembly with a specific responsibility in this respect. Thus, from the very outset of his mandate he has attached primary importance to setting up a framework for a close and continuous cooperation with Governments, United Nations agencies and programmes, other international organizations, national institutions for the promotion and protection of human rights, and non-governmental organizations. Mutual support of efforts, facilitating of joint or coordinated human rights activities and the rational use of available resources should lead to better protection of all those who need it.

6. The following fundamental presumptions should guide international cooperation in the field of human rights: (a) the primary responsibility for the promotion and protection of human rights rests with Governments; (b) the promotion and protection of all human rights is a legitimate concern of the international community; (c) the international community should foster processes leading to a better implementation of human rights and the strengthening of democracy and the rule of law, and should take all necessary measures to prevent human rights abuses and to eradicate the gravest human rights violations; (d) the international protection and promotion of human rights is effective only if based on the principle of the indivisibility and equal value of all human rights - civil, cultural, economic, political and social; (e) the interdependence between democracy, development and respect for human rights, underlined by the World Conference on Human Rights, offers a prospect of harmonious national and international activity; (f) the international and regional systems of human rights protection are complementary and should support each other; and (g) national institutions, non-governmental organizations, academic institutions and grass-roots initiatives should be fully accepted as natural human rights advocates and partners in international cooperation on human rights.

7. A key element in the High Commissioner's mandate is the responsibility of engaging in a dialogue with all Governments with a view to securing respect for all human rights. In the framework of his missions, the High Commissioner raises general problems relating to the international protection of human rights, as well as country-specific issues. He has discussed strengthening national implementation of human rights through the preparation of national plans of action, the establishment of national institutions such as human rights commissions or ombudsmen, the strengthening of the rule of law, and the promotion of human rights education. The High Commissioner has raised issues relating to economic, social and cultural rights, as well as the right to development, promotion of the rights of women, the status of minorities, indigenous people, the status of non-citizens, the legal status of refugees and asylum-seekers, protection of the rights of children and conformity of national legislation with international standards. He has also paid attention to the need for strengthening international cooperation on human rights and for support for the United Nations human rights programme.

8. The High Commissioner has undertaken action with regard to the human rights situation in Chechnya. During his meeting with the Minister for Foreign Affairs of the Russian Federation at Geneva on 17 January 1995, the High Commissioner reiterated his profound preoccupation at the reports of violations of human rights and humanitarian law in Chechnya, characterized by a large number of civilian victims, and appealed once again for an immediate end to violence and violations of human rights in full respect for the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, and humanitarian law. The High Commissioner offered the cooperation of his office in connection with the promotion of human rights and the provision of technical assistance for the re-establishment of basic human rights infrastructure. In a statement on the situation of human rights in the Republic of Chechnya made at the fifty-first session of the Commission on Human Rights, 2/ the Chairman of the Commission invited the High Commissioner to continue his dialogue with the Government of the Russian Federation with a view to securing respect for all human rights. The High Commissioner's representative visited the Russian Federation, including Chechnya and Ingushetia, from 20 to 30 May 1995. The dialogue of the High Commissioner with the authorities of the Russian Federation and the Organization for Security and Cooperation in Europe (OSCE) concerning the modalities of United Nations involvement in the process of restoration of human rights protection in Chechnya is ongoing.

9. The regional intergovernmental organizations and the United Nations have parallel objectives with regard to the promotion and protection of human rights. That is the basis on which cooperation between the United Nations human rights programme and those organizations is being developed. Experience gathered shows how helpful and mutually endorsing such cooperation can be. A framework for coordination of efforts has been created with the Organization of American States, the Organization of African Unity, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, and the Council of the Baltic States. The World Conference on Human Rights reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist. It also recommended that more resources should be made available for strengthening or establishing regional arrangements under the technical cooperation programme of the Centre for Human Rights of the Secretariat. The Centre regularly organizes regional workshops aimed at facilitating efforts to establish regional human rights arrangements and institutions. It also provides, if required, direct technical and financial support to existing regional human rights organizations. 3/ The High Commissioner is continuing to participate in discussions about the setting up of a regional or subregional human rights arrangement in Asia.

10. Practical cooperation with regard to specific areas or cases is of particular importance. The High Commissioner is cooperating with the Organization for Security and Cooperation in Europe, inter alia, with regard to the human rights situation in Chechnya and is participating in the coordinating initiative of OSCE, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) relating to European developments. The European Commission has provided 31 highly qualified personnel, who are working as an integral part of the United Nations human rights operation in Rwanda (see also para. 40). The European Commission has also agreed to give financial support to preventive human rights action of the High Commissioner in Burundi. Working agreements are under discussion with the Inter-American Commission on Human Rights, the Council of Europe and OSCE.

These are all good examples of cooperation, mutual assistance and the most efficient use of limited resources.

11. As the World Conference on Human Rights stressed, national institutions constitute an important and growing infrastructure for human rights promotion and protection worldwide. Their impact on the implementation of human rights is demonstrable and practical. The United Nations human rights programme encourages the setting up of such institutions. Through the technical cooperation programme, it provides them with a framework for cooperation, exchange of experience and mutual support, as well as with assistance, including training and information. The High Commissioner has recently established a senior adviser in his office, who is already assisting a number of Governments that have decided to create such national institutions. An overall programme for strengthening existing national institutions, particularly those which have just been set up, is also being prepared. The third international workshop on national institutions for the promotion and protection of human rights was conducted successfully at Manila in April 1995 at the invitation of the Government of the Philippines. Further meetings at the regional level will take place in the next few months.

12. The World Conference on Human Rights recognized the important role of non-governmental organizations in the promotion of all human rights and in humanitarian activities at the national, regional and international levels. The active presence of the human rights constituency, embodied by non-governmental organizations, grass-roots initiatives and individuals, has become a prerequisite of efficient action in the field of human rights. The United Nations is strongly interested in close cooperation with non-governmental organizations, as well as in implementation of its human rights programme through non-governmental organizations, if their potentials so allow. Non-governmental organizations are natural partners of the High Commissioner: regular meetings and consultations with them have become an important component of his activities.

13. Collaboration with academic institutions is an important tool in the implementation of the Vienna Declaration and Programme of Action. A number of such institutions have already offered their cooperation in preparing background policy studies in important human rights areas, for example, prevention of human rights violations, the right to development, economic, social and cultural rights, the protection of minorities, compilation and publicizing of the jurisprudence of the treaty monitoring bodies, and information and documentation. Academic institutions have also expressed their readiness to cooperate actively in the realization of the United Nations Decade for Human Rights Education.

14. To facilitate the very important work in the area of human rights of individuals, groups and organs of society, a proper legal framework and protection should be established. In this context, the High Commissioner, following up the calls of the General Assembly and the Commission on Human Rights, has appealed to the working group of the Commission on Human Rights to complete as soon as possible the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

15. Continuous coverage of human rights issues by the media is becoming increasingly important. However, while grave human rights violations attract the attention of the media and the general public, the coverage of less spectacular situations which might be called "silent tragedies" and of

activities aimed at promoting human rights is not as satisfactory. Urgent steps need to be taken in order to improve this situation.

## B. Ratification of human rights treaties

16. Since 1945, a comprehensive body of human rights standards has been elaborated in the framework of the United Nations. In order to ensure respect for all the human rights of each person in the world on an impartial, objective and non-selective basis, the World Conference on Human Rights set the goal of universal ratification of the basic human rights treaties. To achieve this objective, the Secretary-General launched a worldwide campaign in September 1994, which is being continued by the High Commissioner in his contacts with Governments, human rights organs and bodies, national institutions and non-governmental organizations. The results achieved have been remarkable, although determined efforts must still be continued. The human rights technical cooperation programme is available to facilitate the ratification of human rights treaties. The World Conference invited States to consider limiting the extent of reservations to international instruments, to formulate them as precisely and narrowly as possible, and to review them regularly with a view to withdrawing them. Preparations are under way to convene two regional meetings, in Africa and in Asia, with government representatives to promote universal ratification. Two studies dealing, respectively, with the problem of reservations and with obstacles to ratification have also been initiated. The World Conference called for accession to the optional communications procedures under human rights treaties. The High Commissioner, in his dialogue with Governments, encourages States to comply with this call.

17. The General Assembly, at its forty-ninth session, in resolution 49/178 of 23 December 1994, again urged States parties to make every effort to meet their reporting obligations, and in its resolution 1995/92 of 8 March 1995, 4/ the Commission on Human Rights urged States parties to address, as a matter of priority, at their scheduled meetings, the issue of States parties consistently not complying with their reporting obligations. In its resolution 49/145 of 23 December 1994, the General Assembly welcomed the innovatory procedures adopted by the Committee on the Elimination of Racial Discrimination for reviewing the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in States whose reports are overdue.

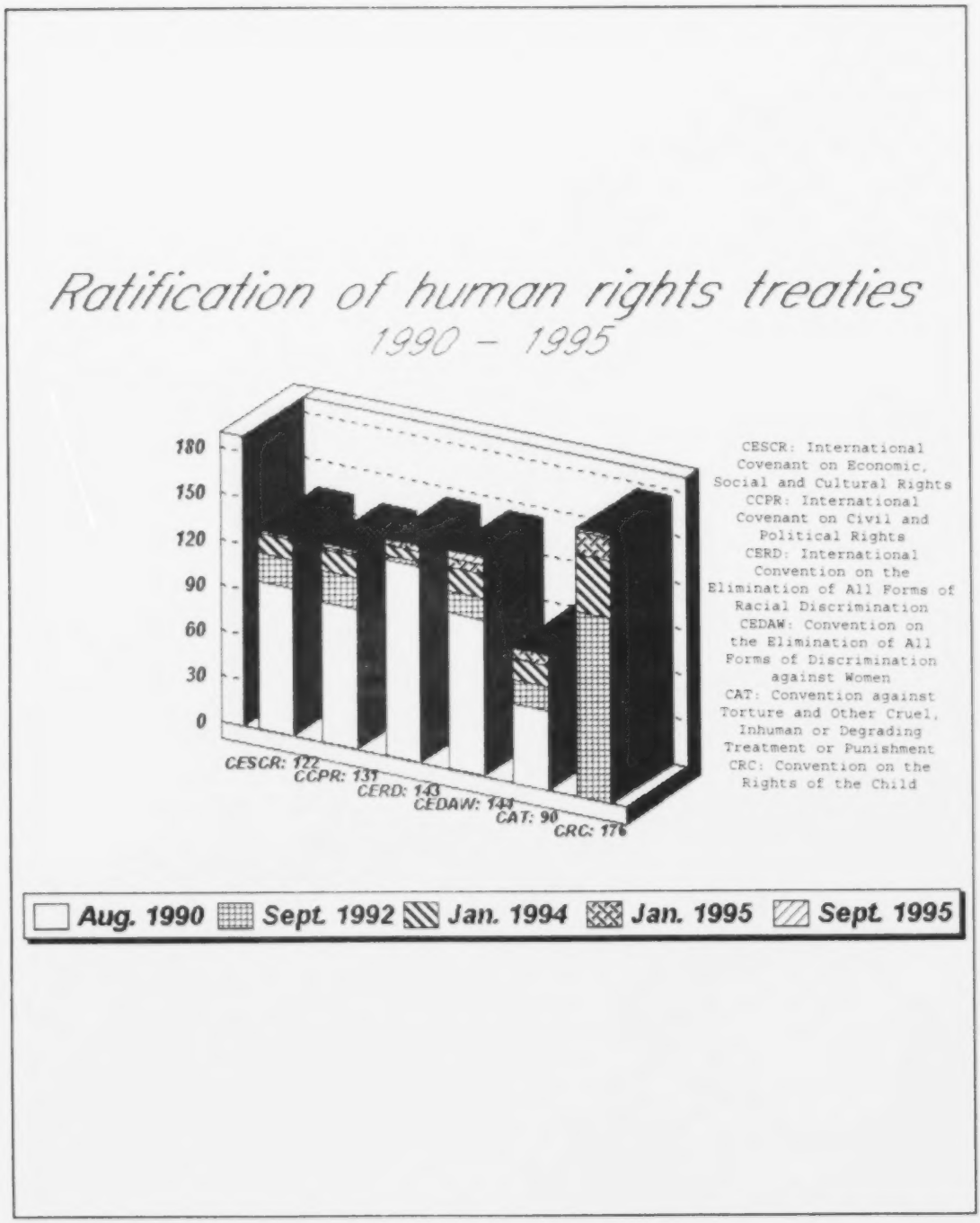
Ratification of human rights treaties
1990 – 1995
180
150
120
90
60
30
0
CESCR: 122
CCPR: 131
CERD: 143
CEDAW: 143
CAT: 90
CRC: 176
CESCR: International Covenant on Economic, Social and Cultural Rights
CCPR: International Covenant on Civil and Political Rights
CERD: International Convention on the Elimination of All Forms of Racial Discrimination
CEDAW: Convention on the Elimination of All Forms of Discrimination against Women
CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CRC: Convention on the Rights of the Child
Aug. 1990
Sept. 1992
Jan. 1994
Jan. 1995
Sept. 1995

FIGURE 1

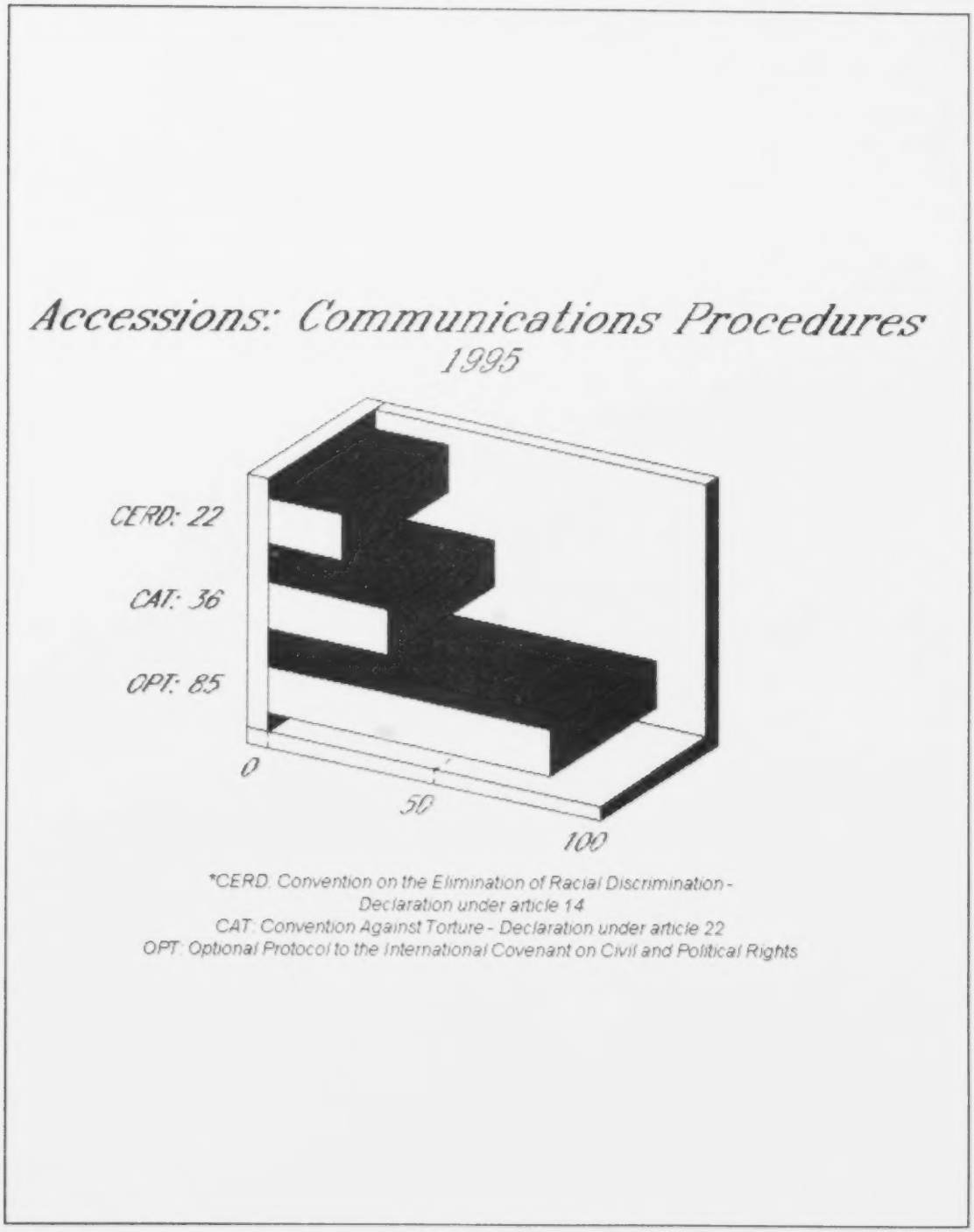
Accessions: Communications Procedures
1995
CERD: 22
CAT: 36
OPT: 85
0
50
100
*CERD: Convention on the Elimination of Racial Discrimination - Declaration under article 14
CAT: Convention Against Torture - Declaration under article 22
OPT: Optional Protocol to the International Covenant on Civil and Political Rights

FIGURE 2

## C. Implementation of human rights

18. The General Assembly, the Commission on Human Rights, country and thematic special rapporteurs, working groups and the treaty bodies attach great importance to strengthening the implementation of human rights worldwide. In keeping with his mandate, the High Commissioner is determined to make his contribution in this regard. During his missions to countries and on other occasions, he has stressed that although the adoption of legislation consistent with international standards is of paramount importance, it is still necessary to apply it in practice. Furthermore, the cooperation of Member States is a precondition for the efficient functioning of the international human rights machinery which monitors and assists in the implementation of international human rights standards.

19. The Commission on Human Rights, at its recent sessions, has been able to observe encouraging trends. A growing number of countries have developed a working relationship with the Commission and its mechanisms. A number of countries have improved their human rights record. The end of apartheid and the beginning of democracy through free elections are the achievements of a human rights process embodied in the presidency of Nelson Mandela in South Africa. Another example of the worldwide process of transition to democracy and respect for human rights was the return of President Jean-Bertrand Aristide to Haiti, which was strongly called for by the General Assembly and the Commission on Human Rights. The international community welcomed the release from house arrest of Nobel Peace Prize Laureate Daw Aung San Suu Kyi. Resolutions adopted by the Commission at its fifty-first session under the agenda item concerning advisory services in the field of human rights are guiding the provision of assistance to Cambodia, El Salvador, Guatemala, Somalia and Togo.

20. At its fifty-first session, the Commission on Human Rights considered the final report of the Ad Hoc Working Group of Experts on southern Africa 5/ and expressed appreciation for the work accomplished by the Working Group throughout its 28 years of existence. The transition from apartheid to a multiracial, multi-ethnic, pluralistic, democratic system based on universal suffrage throughout South Africa justified the conclusion of the work of the Working Group. With respect to the transition to democracy in South Africa, the Commission on Human Rights, in its resolution 1995/9 of 17 February 1995, 4/ taking note of the final report of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on monitoring the transition to democracy in South Africa, 6/ expressed its appreciation to the Special Rapporteur and its profound satisfaction at the entry into force of South Africa's new Constitution on 27 April 1994, the holding of one person/one vote elections from 26 to 29 April 1994, the convening of South Africa's new Parliament on 5 May 1994 and the installation on 10 May 1994 of its President and Government of National Unity. The Commission considered that the mandate of the Special Rapporteur had been successfully concluded, and decided to terminate it. In addition, the Commission decided to suspend the monitoring activities of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid.

21. The positive developments, however, are accompanied by the concern expressed by the General Assembly and the Commission on Human Rights with regard to (a) obstacles to the enjoyment of all human rights by all, (b) serious human rights violations, and (c) difficult human rights situations in a relatively large number of countries. Resolutions of those organs have drawn the attention of Governments, the United Nations system and the general public to those problems and have called for action with regard to extreme poverty and problems

related to sustainable development, international debt, impunity, racism and xenophobia, discrimination against women, ethnic and religious intolerance, mass exoduses and refugee flows, armed conflicts and terrorism, and lack of the rule of law as major obstacles to human rights. The outcome of the intensive work concerning the right to development, as well as the strengthening of the interlinkage between democracy, development and human rights, should provide a helpful strategy to meet the needs in this respect. The General Assembly and the Commission and its mechanisms have for many years alerted the international community to such problems as extrajudicial, summary or arbitrary executions; torture and enforced disappearance; arbitrary detention; violence against women, children and vulnerable groups; and internally displaced persons. The Commission has also elaborated measures, which should be applied with the greatest determination, to combat those violations at the national and international levels. At its fifty-first session, in its consideration of the question of violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, the Commission expressed its concern about the human rights situation in Afghanistan, Burundi, Cyprus, Cuba, Equatorial Guinea, Haiti, the Islamic Republic of Iran, Iraq, Myanmar, the Papua New Guinea island of Bougainville, the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), Rwanda, southern Lebanon and the Western Bekaa, Sudan, Zaire and, in the Chairman's statement, Chechnya. The Commission also considered violations of human rights in the occupied Arab territories, including Palestine, human rights in the occupied Syrian Golan, and Israeli settlements in the occupied Arab territories, and the situation in occupied Palestine, as well as the question of Western Sahara. In addition, various thematic rapporteurs and working groups, in their reports to the Commission, pointed out serious human rights problems in a number of countries and made recommendations in this regard. The High Commissioner, in his dialogue with Governments, follows up on the recommendations of all mechanisms of the Commission with a view to securing respect for all human rights.

22. A particularly difficult situation arises when Governments refuse or limit their cooperation with the Commission or its mechanisms. This is a major obstacle to providing assistance to Governments and to those members of society who need it. The General Assembly at its forty-ninth session, in resolution 49/186 of 23 December 1994, again urged all States to cooperate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms. Unfortunately, resolutions of the General Assembly and the Commission give instances of non-compliance with this recommendation. For example, in its resolution 1995/38 of 3 March 1995, 4/ the Commission deplored that, as the Working Group on Enforced or Involuntary Disappearances had stressed in its report, some Governments had never provided substantive replies concerning enforced disappearances alleged to have occurred in their countries, nor acted on the recommendations of the Working Group concerning them. In the same resolution, the Commission urged Governments concerned, particularly those which had not yet acted with regard to communications transmitted to them, to intensify their cooperation with the Working Group. (See also General Assembly resolution 49/193 of 23 December 1994, on the question of enforced or involuntary disappearances.) Also, in resolutions adopted at its fifty-first session, the Commission frequently stressed its concern about the lack of or inadequate cooperation with the United Nations machinery, in particular with the Commission's mechanisms. In keeping with his mandate, the High Commissioner assists the Commission, its mechanisms and other relevant parts of the United Nations human rights machinery, as well as Governments, in establishing and developing mutual working contacts with a view

to implementing relevant Commission resolutions. In addition, while undertaking missions to various countries, the High Commissioner is paving the way for cooperation between Governments and United Nations organs and bodies. It is to be firmly stressed, however, that his presence in a country does not replace missions and other activities of other competent mechanisms, in particular visits by special rapporteurs and representatives of the Commission or experts of treaty bodies.

23. The implementation of human rights requires unimpeded cooperation of individuals and groups with the United Nations and representatives of its human rights bodies. The Commission on Human Rights reiterated, in its resolution 1995/75 of 8 March 1995, 4/ its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek such cooperation. The General Assembly referred, in its resolutions 49/197 and 49/198 of 23 December 1994, to acts of deprivation of freedom of people who contacted or were seeking to communicate with special rapporteurs. The High Commissioner pays close attention to this issue in all his contacts with Governments, as well as with non-governmental organizations and other parts of civil society. No one must be deprived of his or her freedom because of cooperation with the United Nations and representatives of its bodies. The General Assembly, in its resolution 49/178 of 23 December 1994, recognized the important role played by non-governmental organizations in the effective implementation of all human rights instruments.

24. The question of impunity has acquired a growing importance. Two Special Rapporteurs of the Subcommission on Prevention of Discrimination and Protection of Minorities are undertaking a study of the question of the impunity of violators of human rights, both civil and political rights and cultural, economic and social rights. In 1995, the Subcommission considered their progress reports and requested the Special Rapporteurs to submit their final reports at its next session.

25. Every year, thousands of letters and communications are addressed by individuals and non-governmental organizations to the Secretary-General, the General Assembly, the Commission on Human Rights and other United Nations organs, alleging human rights violations and seeking United Nations intercession on behalf of alleged victims. The bulk of them are examined through a procedure involving the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities - pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 - which seeks to identify and respond to systematic and gross violations of human rights. Other communications are examined by treaty-monitoring bodies, which can adopt judicial-like decisions. The international jurisprudence created by these bodies is cited by national courts and tribunals.

26. Considerable progress has been achieved in monitoring the implementation of the decisions of the treaty bodies. The creation by the Human Rights Committee of the Special Rapporteur for the follow-up of Views (final decisions on the merits of individual communications) and other measures taken by other treaty-monitoring bodies, as well as the dialogue of the High Commissioner with the Governments concerned, play an important role in this regard.

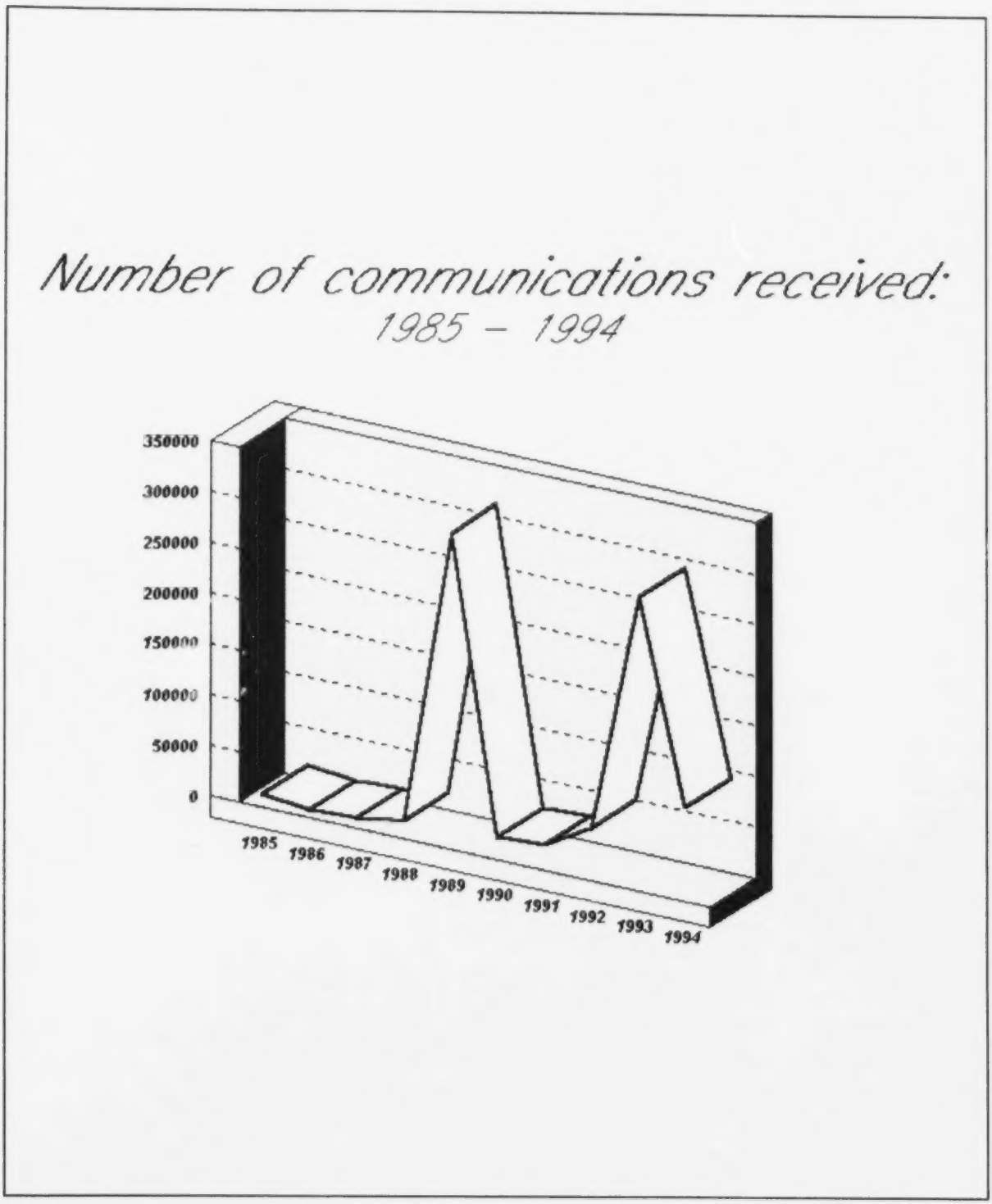
Number of communications received:
1985 - 1994
350000
300000
250000
200000
150000
100000
50000
0
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994

FIGURE 3

## D. Dialogue with Governments

27. During his visits to countries, the High Commissioner discussed human rights matters with the highest authorities of Governments, parliaments and the judiciary and with representatives of minorities, indigenous people, religious and cultural communities, national human rights institutions, non-governmental organizations and academic institutions. The High Commissioner also raised issues concerning areas which were witnessing particularly difficult human rights problems. Since the submission of his first report to the General Assembly, at its forty-ninth session, 7/ the High Commissioner has visited Australia, Burundi (for the third time), Canada, Colombia, Costa Rica, Cuba, India, Panama, Rwanda (for the third time), Spain and the United States of America. A brief presentation of the visits, which took place after the submission of the High Commissioner's report to the Commission on Human Rights at its fifty-first session, is given below. (The High Commissioner also visited the Holy See and Italy in October 1995.)

28. The High Commissioner's visits to Burundi and Rwanda, in March 1995, served to review the ongoing United Nations human rights activities in those countries (see also paras. 38 and 43 below).

29. During his visit to Canada, from 21 to 24 March 1995, the High Commissioner referred to the human rights aspects of the Canadian foreign policy review. The following questions, among others, were considered: protection of aboriginal people, including land claims and self-government; protection against discrimination with respect to race and sex; assistance programmes for minorities; incorporation in human rights legislation of more explicit reference to economic, social and cultural rights; judicial control over administrative decisions; and differences between provincial and federal legislation in the field of human rights. The representatives of the Government declared the Government's intention of allocating more of its assistance to human rights activities and programmes. The High Commissioner discussed Canada's support both to emergency human rights situations and for preventive human rights action, including standby arrangements. He analysed with national institutions, academic institutions and non-governmental organizations their involvement in the implementation of the Vienna Declaration and Programme of Action. During his stay in Canada, he also discussed issues relating to the reform of the international financial institutions scheduled to be addressed at the Summit of the seven major industrialized countries, which was to meet at Halifax, Canada, in June 1995.

30. In his visit to Australia, from 25 to 30 April 1994, the High Commissioner discussed the responsibility of state or territory governments for the implementation of international human rights instruments; the situation of Aboriginals and Torres Strait islanders; the Native Title Act; the continuation of policy aimed at adequate compensation for discrimination and injustices against Aboriginals in the past; and differences in legislation concerning education within the federal system of Australia. The Australian contribution to the international protection of human rights was also discussed, especially with respect to national institutions, possible standby arrangements in the context of emergency human rights situations and preventive human rights action.

31. In India, which the High Commissioner visited from 30 April to 6 May 1995, consultations focused on the domestic legislative and policy measures which were being taken to solve existing human rights problems. The High Commissioner raised such matters as: arbitrary and preventive detention; the treatment of detainees, including cases of custodial rape by members of the police and

security forces; cases of enforced disappearance; failure to take judicial action against police officers accused of violations of human rights; the partial application of the International Covenant on Civil and Political Rights to disturbed areas of the country; social inequalities relating to the caste system; and policies adopted to eliminate the caste of untouchable. He was familiarized with policies intended to provide equal opportunities for members of lower castes, tribes and minority communities and to improve working conditions for the extreme poor. The Government informed the High Commissioner about the modification of emergency laws, in particular the Terrorist and Disruptive Activities (Prevention) Act, so as to bring them into line with international human rights standards. The Government also declared its willingness to invite representatives of special procedures established by the Commission on Human Rights to visit the country and pledged contributions to the United Nations voluntary funds in the field of human rights. The High Commissioner emphasized the important role of national institutions in the country, and discussed the modalities of cooperation between the Indian institutions and the United Nations human rights programme. He paid particular attention to the human rights situation in Jammu and Kashmir, which he visited from 2 to 4 May. He was informed by representatives of parties involved about developments. In Jammu and Kashmir an atmosphere of violence prevailed. While it appeared that both security forces and insurgents were involved in human rights violations, the High Commissioner stressed that there was a specific obligation on the part of the Government to ensure the promotion and protection of human rights and to take the necessary measures to limit and punish abuses by those individuals who should enforce the law. The High Commissioner called on all protagonists fully to respect human rights in Jammu and Kashmir.

32. In Spain, which the High Commissioner visited from 16 to 18 May 1995, consultations with the representatives of the Government covered: accession to international human rights treaties which Spain was not a party to, for example, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the communication procedure under the International Convention on the Elimination of All Forms of Racial Discrimination; implementation of the recommendations of treaty bodies and special procedures; cases relating to Spain received by the Centre for Human Rights, including alleged cases of torture; criminal procedure, including the length of incommunicado detention under the emergency law; impunity; and problems relating to the protection of the human rights of gypsies. Representatives of the Government analysed with the High Commissioner possible forms of increased participation by Spain in the United Nations human rights programme, through, inter alia, support for emergency operations, contributions to voluntary funds, technical cooperation projects in Latin America and support for human rights education programmes.

33. In the United States of America, which he visited from 5 to 11 June 1995, the High Commissioner discussed United States support for United Nations human rights activities, including the human rights field operation in Rwanda. He also focused on: ratification by the United States of international human rights treaties and their implementation; the need to increase the Government's efforts to prevent and eliminate discriminatory attitudes against persons belonging to minority groups and against women; revision of Federal and state legislation aimed at abolishing the death penalty for minors and restricting the number of offences carrying the death penalty, with a view to the overall abolition of that penalty; adoption of measures to ensure that previously recognized American Indian rights not be extinguished; the need to ensure that the police do not use violence, especially against persons belonging to ethnic or racial minorities; and measures aimed at the elimination of discrimination

against women belonging to ethnic minorities. The High Commissioner had the opportunity to analyse the current challenges to human rights and various aspects of the United Nations human rights programme with academic institutions and non-governmental organizations.

34. During his visit to the United States, the High Commissioner met representatives of the Organization of American States, including the Inter-American Commission on Human Rights, to explore possibilities for cooperation. He proposed that a framework of cooperation be defined shortly that would cover, inter alia, human rights monitoring, research, and technical cooperation activities.

35. In his discussions in Costa Rica from 11 to 13 June 1995, the High Commissioner discussed ratification of additional instruments in the field of human rights; strengthening of the protection of the rights of detainees and enhancing police training; conditions in prisons; the need for review and possible reform of labour legislation in order to ensure that freedom of association is guaranteed; implementation of the Convention on the Rights of the Child, in particular with respect to economic adjustment policies; the need to improve gender equality and the situation of women; and State policy aimed at the solution of problems relating to the issue of the large number of illegal immigrants. The High Commissioner also discussed the concept of a regional meeting concerning the strategy of the United Nations Decade for Human Rights Education and cooperation with the Inter-American Institute of Human Rights in San José.

36. In Panama, which he visited on 14 and 15 June 1995, the High Commissioner discussed various aspects of strengthening domestic human rights protection, including the creation of the post of ombudsman and a commission of inquiry with respect to the situation of indigenous people. He also raised the question of the ratification of human rights instruments which Panama was not a party to and delays in the presentation of reports to the various treaty bodies. The High Commissioner discussed: reform of the jail system; reports of torture; recommendations made as a result of the visit by two members of the Committee on Economic, Social and Cultural Rights in April 1995 to examine the issue of housing; and the inconsistency of some provisions of the labour law with international human rights standards. The Government declared its readiness to invite a United Nations mission to monitor the human rights of the indigenous population. It also announced its willingness to increase its contribution to United Nations human rights voluntary funds. The possibility of Panama joining a subregional programme of assistance to improve conditions in prisons, carried out in cooperation with the United Nations Development Programme (UNDP) and other bodies, was also considered.

## E. Addressing human rights situations

### 1. Preventive and responsive activities

37. Prevention of human rights violations is an essential part of an overall United Nations strategy to avert social disasters. As a consequence of the World Conference on Human Rights and since the establishment of the post of United Nations High Commissioner for Human Rights, the concept of prevention has had a strong impact on the entire human rights programme. Close cooperation between the High Commissioner and Governments, special procedures, treaty bodies, relevant programmes and agencies, and non-governmental organizations is a very useful tool both in providing early warning of potential emergencies and

in mitigating or even avoiding such disasters. The High Commissioner has invited the human rights treaty bodies, the special rapporteurs and representatives, experts and working groups established by the Commission on Human Rights, the United Nations programmes and agencies, and non-governmental organizations to call his attention to situations which might need United Nations action. The capacity of the Centre for Human Rights to analyse and review information of this kind has already been enhanced. The technical cooperation programme has been adapted and strengthened to meet the requirements of preventive activities.

38. The United Nations human rights presence which was set up in Burundi in 1994 provides an example of preventive action taken by the High Commissioner. The High Commissioner's third visit to Burundi in 12 months took place in March 1995 and followed his emergency message addressed on 17 February 1995 to the Commission on Human Rights at its fifty-first session calling for all the necessary measures to prevent the situation in the country from deteriorating. The Commission, in its resolution 1995/90 of 8 March 1995, 4/ decided to appoint a special rapporteur on the situation of human rights in Burundi. With the agreement of the Government of Burundi, an office of the High Commissioner was established in Bujumbura on 15 June 1994 to implement a broad technical cooperation programme. The financial assistance of the European Commission should allow the deployment of up to 35 human rights officers.

39. The concern of the World Conference on Human Rights about widespread human rights abuses and the responsibility of the High Commissioner for playing an active role in stopping human rights violations throughout the world have opened a new avenue to the United Nations human rights programme. Activities developed in this framework should: (a) assist all actors involved in bringing human rights violations to an end; (b) facilitate the involvement of the United Nations human rights machinery in the process of restoring respect for human rights; and (c) provide human rights assistance to victims of human rights violations.

40. The High Commissioner continues to respond with comprehensive action to the aftermath of the tragic human rights violations in Rwanda. The current activities of the human rights field operation in Rwanda, which are conducted in accordance with the revised operational plan submitted during the UNDP Round Table Conference on Rwanda on 18 and 19 January 1995, focus on monitoring the situation and providing technical cooperation in the field of human rights. The human rights field operation supports the work of the Special Rapporteur in the fulfilment of his mandate and works in close cooperation with the International Tribunal for Rwanda with respect to investigations on genocide. Through its programme of technical cooperation, the field operation focuses attention on grass-roots human rights development activities, as well as on the rehabilitation of the administration of justice. Currently, some 115 personnel are deployed throughout Rwanda. The European Commission has supported the operation by providing 31 human rights officers who have acted as an integral part of the operation. The High Commissioner participated in a consolidated appeal on Rwanda organized by the Department of Humanitarian Affairs of the Secretariat on 20 January 1995. The human rights field operation has been feasible owing to the voluntary support provided by a number of countries which have responded to the requests of the High Commissioner.

41. The United Nations human rights programme continues its efforts relating to human rights aspects of the situation in the territory of the former Yugoslavia. Reports of the Special Rapporteur on the human rights situation in the former Yugoslavia, whose mandate is supported by a human rights field operation

conducted by the High Commissioner, were considered by the Commission on Human Rights at its fifty-first session. In the light of the request of the Government for assistance, following the establishment of the Federation of Bosnia and Herzegovina and the terms of the December 1994 agreements on cease-fire and cessation of hostilities, the High Commissioner, after consultation with the Secretary-General and his Special Representative, took the initiative of convening a meeting on 3 February 1995 to develop, in close cooperation with other United Nations bodies operating in Bosnia and Herzegovina, a coordinated and more effective response to human rights requirements in the country. On 1 June 1995 the High Commissioner appointed a representative responsible for coordination of the United Nations activities relating to human rights in the countries established on the territory of the former Yugoslavia. Human rights training has been provided by the Centre for Human Rights to United Nations Protection Force (UNPROFOR) personnel. On the basis of the Agreement of 6 August 1995 between the Government of the Republic of Croatia and the United Nations Peace Forces - UNCRO, human rights officers from the Centre for Human Rights have headed the human rights action teams deployed in Krajina. The High Commissioner acknowledged with deep regret the resignation of Mr. Mazowiecki, who submitted his last report on the situation in the former Yugoslavia in August 1995. Mrs. Rehn (Finland), the new Special Rapporteur, took up her duties at the beginning of October. In the light of the recent peace negotiations concerning Bosnia and Herzegovina, the High Commissioner stressed that human rights constituted a pillar of the reconstruction effort and should become a building block of the foundations of the new social structures which would emerge from the conflict in the former Yugoslavia. He also declared his willingness to cooperate closely in the framework of the human rights component of the future peace agreement with regional organizations, such as OSCE or the Council of Europe, and United Nations agencies, as well as with academic institutions and non-governmental organizations. The High Commissioner is ready to contribute to the joint endeavours in the areas of coordination, monitoring, confidence-building and technical cooperation for the establishment or strengthening of the judiciary and of national institutions for the respect of human rights and the rule of law, providing support for human rights education programmes and human rights community development activities, and human rights training to the staff of the military and civilian component of a peace operation. Following the appointment of the new Special Rapporteur, the High Commissioner decided to increase the human rights staff presence in Zagreb, Mostar, Sarajevo and Skopje. This will ensure greater human rights protection capacity at a crucial stage of the political negotiations. In addition, a dialogue with the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) has been initiated to establish a continuous human rights presence throughout the entire territory of the Republic.

42. Preventive and responsive human rights field operations have been considerably enlarged, giving the United Nations human rights programme a new dimension. They require adaptation of the United Nations human rights infrastructure and adequate resources, so that prompt and comprehensive measures can be taken. Preventive actions can save lives and avert human suffering and, eventually, they may well prove to be more cost efficient than reacting after the fact. In addition to operations in Rwanda, Burundi and the former Yugoslavia, it is also proposed to send two human rights officers to Zaire. The General Assembly, in its resolution 49/204 of 23 December 1994, requested the Secretary-General to seek ways and means, including through consultations with the High Commissioner and relevant regional organizations, to establish an adequate monitoring presence in Kosovo.

43. An evaluation of the human rights field operation in Rwanda and other similar experiences helps to identify measures necessary to make operations of this sort successful and factors which jeopardize them. Such an evaluation makes the following observations possible: (a) the United Nations response to human rights emergency situations should be prompt and target-oriented; (b) the major objective of preventing violations from occurring or of putting a halt to them may be accomplished by simultaneous monitoring of the human rights situation and strengthening of national capacities in the field of human rights, confidence-building measures, and development of civil society and a human rights culture; and (c) effective early warning requires that the High Commissioner be informed by the United Nations programmes and agencies, Governments and non-governmental organizations about situations which could lead to grave human rights violations on a large scale.

44. Close cooperation with Governments, United Nations programmes and agencies, and intergovernmental and non-governmental organizations is being developed to ensure the effectiveness of human rights field operations. As a result, logistical and human resources, such as human rights field officers and legal experts, should be available at short notice for such operations.

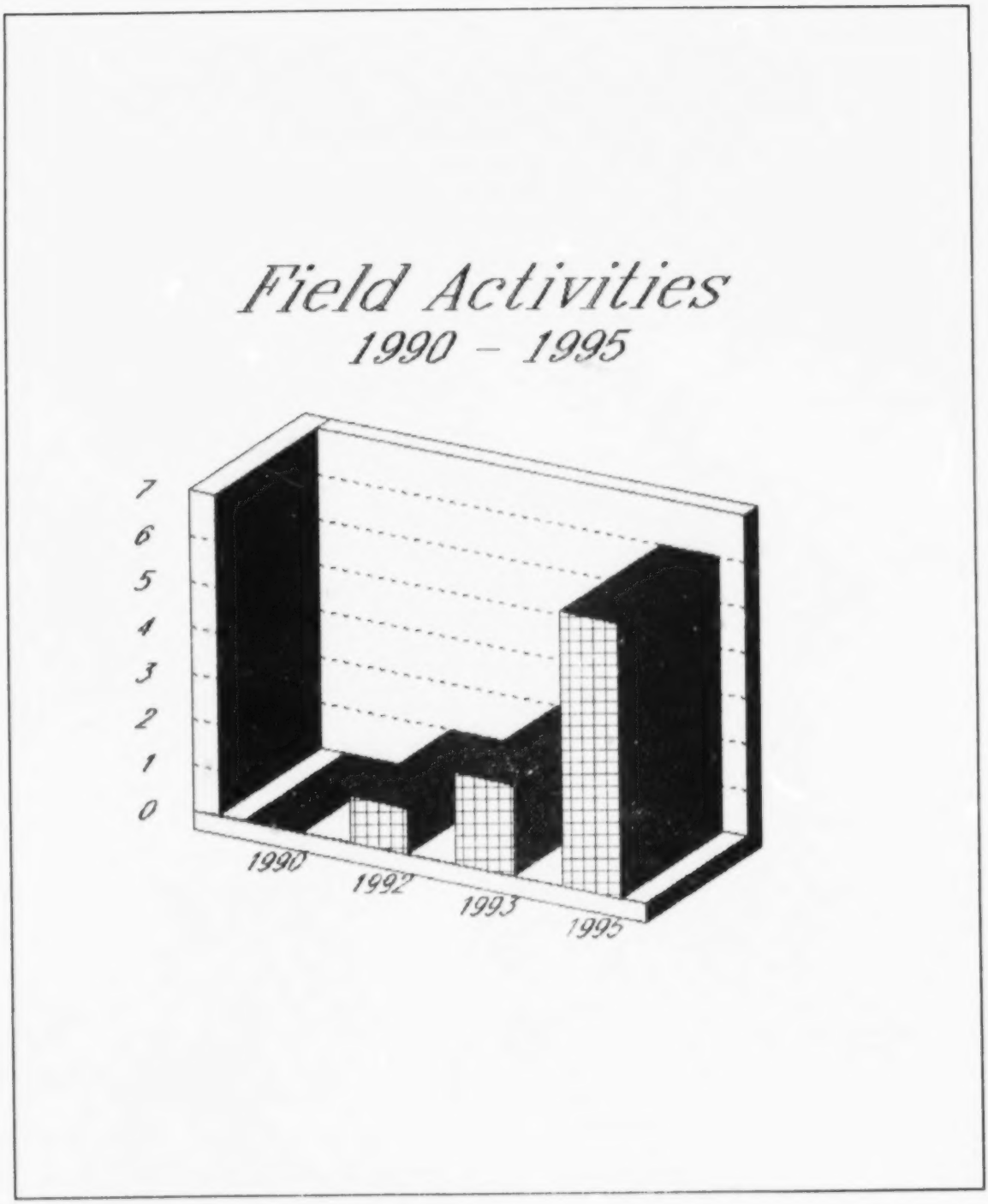


FIGURE 4

## 2. Assistance to countries in transition to democracy

45. A number of countries are in transition from authoritarian to democratic rule, a fact which opens the avenue to the full protection of human rights. This crucial process requires encouragement and international cooperation, as stressed in the Vienna Declaration and Programme of Action. The provision of assistance aimed at establishing and strengthening human rights infrastructure, the rule of law and democracy is a momentous responsibility of the United Nations and, in particular, of its human rights programme. To ensure this assistance, emphasis has been placed on three major objectives: (a) elaboration of national human rights programmes, which should be carried out in cooperation with the United Nations; (b) development of the technical cooperation programme to respond to the needs of countries in democratic transition; and (c) strengthening of the related United Nations infrastructure. The Voluntary Fund for Technical Cooperation in the Field of Human Rights plays an important role in this respect. Several periodic information meetings have been convened to increase the transparency of the programme. UNDP has provided a coordinator for the Fund. 3/

46. In Malawi, a two-year technical cooperation programme based on the Joint Declaration of Cooperation for the Development of Programmes for the Promotion and Protection of Human Rights, signed by the High Commissioner and the Vice-President of the Republic, was launched on 1 January 1995. The office of the High Commissioner for Human Rights in Lilongwe, which was opened in mid-November 1994, assists in the implementation of this programme.

47. Pursuant to resolutions of the General Assembly and the Commission on Human Rights, the office established by the Centre for Human Rights in Cambodia in 1994 has the following mandate: to manage the implementation of a technical cooperation programme, including assistance to the Government in meeting its obligations under the human rights instruments Cambodia has acceded to; to assist with the drafting and implementation of legislation for the promotion and protection of human rights; to assist in training persons responsible for the administration of justice; to contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights; and to provide support to bona fide human rights groups.

48. In its resolution 49/201 of 23 December 1994, the General Assembly requested the Secretary-General, through the High Commissioner and the Centre for Human Rights, to take appropriate steps for the urgent establishment, in conjunction with the International Civilian Mission to Haiti, of a special programme of assistance to the Government and people of that country in their efforts to ensure the observance of human rights. Appropriate preparations, especially with regard to financial and human resources, have been carried out. An independent expert has been appointed by the Secretary-General, in accordance with Commission on Human Rights resolution 1995/70 of 8 March 1995, 4/ to furnish assistance to the Government of Haiti in the field of human rights. He has undertaken a mission to Canada, Haiti and the United States to gather information on ways and means to strengthen the project of technical cooperation that is under way. His report will be submitted to the General Assembly at its present session. The human rights programme for Haiti includes support to the Haitian National Commission on Truth and Justice and training courses for public officials responsible for human rights matters, as well as human rights education for teachers and curriculum developers.

49. The technical cooperation programme is also assisting in stabilizing the protection of human rights, democratic institutions and the rule of law in some

Central and Eastern European countries in transition from authoritarian to democratic rule. The programme has participated in the implementation of national projects in, for example, Poland, Slovakia, Romania and the Russian Federation or have prepared reports following needs assessment missions to, for example, Armenia, Azerbaijan and Georgia.

## F. Technical cooperation

50. One of the important responsibilities of the High Commissioner is providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights. The technical cooperation programme, through its multidimensional character, has an essential place in the promotion and protection of human rights, as well as in the prevention of human rights violations. The World Conference on Human Rights emphasized the importance of developing and building institutions relating to human rights, strengthening a pluralistic civil society and protecting groups which have been rendered vulnerable.

51. The technical cooperation programme aims, in particular, at providing assistance relating to: (a) preparation and implementation of national plans of action; (b) constitutional reforms and review of legislation in line with international human rights standards; (c) development of national structures which have a direct impact on the overall observance of human rights, including building up of national human rights and democratic institutions and strengthening the rule of law and the administration of justice; (d) human rights aspects of elections and participation in the conduct of public affairs; (e) training of members of relevant professions, such as judges, barristers, teachers, police officers and prison administrators; (f) broad-based education and public information activities aimed at promoting respect for human rights; (g) ratification or accession to international human rights instruments and the fulfilment of States' reporting obligations; (h) non-governmental organizations and civil society; (i) information and documentation projects; (j) regional human rights organizations; and (k) training of international civil servants.

52. The technical cooperation programme currently includes 41 ongoing projects and 17 pipeline projects in different regions of the world. The World Conference on Human Rights stressed the need for strengthening this programme, inter alia, through increasing its resources. Contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, which supplement the regular budget, represent an investment in human rights, democracy and development worldwide, one of the best investments the international community can make.

53. A vision of a new and enhanced partnership with recipient Governments, relevant human rights institutions and non-governmental organizations in the implementation of the technical cooperation programme has been developed. The partnership with non-governmental organizations and academic institutions is expected to make the programme more effective.

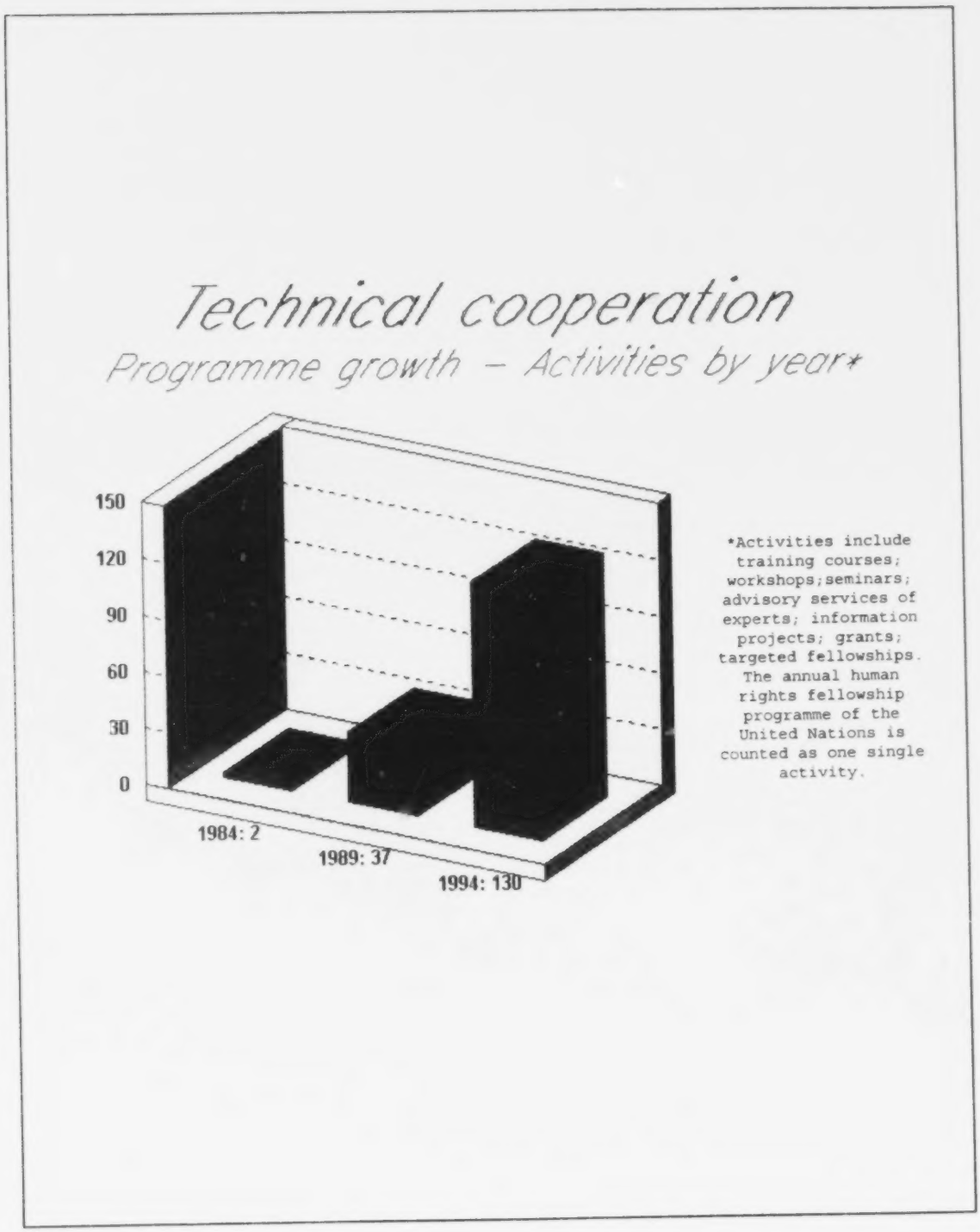
Technical cooperation
Programme growth – Activities by year*
150
120
90
60
30
0
1984: 2
1989: 37
1994: 130
*Activities include training courses; workshops;seminars; advisory services of experts; information projects; grants; targeted fellowships. The annual human rights fellowship programme of the United Nations is counted as one single activity.

FIGURE 5

## G. Education and information

54. Creating a universal culture of human rights is an essential element in a long-term strategy to ensure respect for human rights. It is vital for the encouragement of harmonious intercommunity relations, for mutual tolerance and understanding and, finally, for peace. The World Conference on Human Rights recommended that States develop specific programmes and strategies for ensuring the widest human rights education and dissemination of public information, taking particular account of the human rights needs of women.

55. Following the recommendation of the World Conference, the General Assembly, in its resolution 49/184 of 23 December 1994, proclaimed the United Nations Decade for Human Rights Education, 1995-2004. The Decade should promote and streamline activities of the international community in the field of human rights education. The Assembly requested the High Commissioner for Human Rights to coordinate the implementation of the Plan of Action for the Decade. 8/ A detailed description of the High Commissioner's activities in promoting the Decade is contained in his report on the subject to the General Assembly's fiftieth session. The Centre for Human Rights, in cooperation with the United Nations Educational, Scientific and Cultural Organizations (UNESCO) and other relevant agencies and bodies, is assisting Member States to develop specific programmes and strategies, at the international and national levels, for ensuring human rights education for all. The establishment of national committees for the Decade is to be strongly encouraged.

56. Information on human rights and their international and domestic systems of protection must be disseminated among the general public if society as a whole is to benefit from respect for those rights. Both traditional techniques and modern technologies should be used to that end. The Centre for Human Rights continues to be an important partner in this process. Its programme of publications, including easily accessible information on how anyone can act to protect his or her own rights or the rights of others, assists Governments, national human rights institutions and non-governmental organizations. The overall human rights database under preparation in the Centre will be made accessible to all those who need information on human rights and United Nations human rights activities. The High Commissioner, in accordance with General Assembly resolution 48/141 of 20 December 1993, coordinates human rights information programmes within the United Nations system.

57. Human rights training is required for the personnel involved in the increasing number of United Nations field operations. The Centre for Human Rights offers courses, information and special training materials. In particular, material is being developed for the human rights training of international civil servants involved in peace-keeping, humanitarian and relief operations.

58. The human rights publications programme carried out by the Centre for Human Rights takes an important place in educational activities. Priority has been given to publications for use in technical cooperation projects, such as specialized manuals for the training of police, lawyers and judges, election officials and social workers. Emphasis has also been placed on the publication of Fact Sheets focusing on priority issues, such as the protection of indigenous populations, the rights of the child and child exploitation. Cooperation with other United Nations agencies and programmes should provide new possibilities in this area through a coordinated use of resources. Contacts with the media have been intensified in close cooperation with the Department of Public Information of the Secretariat and particularly with the United Nations Information Service

at Geneva and United Nations information offices worldwide. Steps have been taken to produce a periodical publication containing information about activities of the Centre for Human Rights and human rights activities system-wide.

## III. THEMATIC ISSUES

### A. The right to development - economic, social and cultural rights

59. The World Conference on Human Rights set out the vision of supporting democracy, development and human rights through increased international cooperation. It stressed the importance of the effective implementation of the right to development and of economic, social and cultural rights. The High Commissioner is specifically charged with promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for this purpose. His mandate is placed firmly within the perspective of the interdependent, interrelated and indivisible nature of all human rights. The High Commissioner has undertaken the formulation of a strategy in this area which will include: (a) identification, in cooperation with the agencies, treaty bodies, especially the Committee on Economic, Social and Cultural Rights, and experts of the Subcommission on Prevention of Discrimination and Protection of Minorities, of ways to improve implementation of the right to development and economic, social and cultural rights, including human rights aspects of a lasting solution to the debt crisis of developing countries; (b) consideration of the application of findings and recommendations of the Working Group on the Right to Development; (c) promotion of the right to development and economic, social and cultural rights at the national level, including pilot projects; (d) identifying further social and economic indicators which should facilitate assessing the progressive realization of economic, social and cultural rights and addressing violations of those rights; (e) preparation of procedures for communications regarding economic, social and cultural rights; (f) identification of the international action necessary to promote the right to development; (g) cooperation with international/regional financial and development organizations and with the regional economic commissions; and (h) involvement of non-governmental organizations and grass-roots organizations active in development and human rights in the implementation of the Declaration on the Right to Development, adopted by the General Assembly in resolution 41/28 of 4 December 1986. The strategy relating to the right to development and economic, social and cultural rights is being developed in the context of the Secretary-General's Agenda for Development and recent international conferences, in particular the World Summit for Social Development and the Fourth World Conference on Women. In order to strengthen the dialogue between human rights non-governmental organizations and those active in development, the High Commissioner together with the Executive Secretary of the Economic Commission for Europe, convened during the fifty-first session of the Commission on Human Rights a meeting of non-governmental organizations from both groups to discuss the implementation of the right to development from their perspectives.

60. The World Conference on Human Rights called on regional organizations and prominent international and regional finance and development institutions to assess the impact of their policies and programmes on the enjoyment of human rights. The Commission on Human Rights, at its fifty-first session, in resolution 1995/13 of 24 February 1995, 4/ requested the Secretary-General to recommend ways and means to carry out a dialogue between creditor and debtor countries and to submit a report to the Commission at its fifty-second session. In the same resolution, the Commission also affirmed that the process of consultations already initiated by the Secretary-General, in accordance with its resolution 1994/11, should lead to the convening of high-level meetings at regional and world levels. It requested the Secretary-General to establish a

programme unit within the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development. This request is being taken into account in the framework of the restructuring of the Centre.

61. In its resolution 1995/13, the Commission on Human Rights also requested the international financial institutions to report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies on the full enjoyment of economic, social and cultural rights in the developing countries. In its resolution 1995/15 of 24 February 1995, 4/ the Commission requested the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of those institutions in the realization of economic, social and cultural rights. The seminar is under preparation. The High Commissioner is continuously emphasizing that protecting economic, social and cultural rights is particularly important during periods of structural adjustment and during transitions to market economies. Too often, basic rights such as the right to health, food, shelter and education receive insufficient protection and the victims are frequently women and children.

62. In the context of the reform of the Bretton Woods institutions, which was discussed during the Summit of the seven major industrialized countries, held at Halifax, Canada, in June 1995, the High Commissioner raised the issue of the role of the World Bank and the International Monetary Fund in the field of human rights with the Foreign Ministers of the Group of Seven countries, as well as with the President of the European Commission. He stressed, inter alia, the role the international financial institutions should play with respect to social programmes.

63. The results of the dialogue established within the Administrative Committee on Coordination (ACC) concerning development of indicators of progress in human rights and assessment of the impact of the strategies and policies of the various agencies and programmes on the enjoyment of all human rights will play an important role in promoting the right to development and economic, social and cultural rights. In addition, a senior-level meeting of experts will be convened by the High Commissioner to evaluate results achieved in the implementation of those rights.

## B. Equality and non-discrimination

### 1. Elimination of racial discrimination, xenophobia and intolerance

64. The World Conference on Human Rights considered the elimination of racism and racial discrimination as a primary objective for the international community and a worldwide promotion programme in the field of human rights. The effective elimination of racism, racial discrimination, xenophobia, "ethnic cleansing" and religious and other forms of intolerance requires concerted efforts by the entire international community: Governments, United Nations programmes and agencies, and regional and non-governmental organizations. International norms and rules provide a useful tool for preventing and combating discrimination. National legislation should be guided by them. However, legislation against racial discrimination alone is not enough to prevent violations of human rights in this area. The international community should focus on further implementation of the relevant human rights instruments and declarations, as

well as the recommendations of the treaty bodies and special procedures. A periodical comprehensive review of measures adopted to give effect to them is required.

65. Human rights education and the creation of a climate of tolerance and understanding between different communities can have a significant impact on combating discrimination. This purpose should guide the drafting of relevant curricula at all levels of education. It needs to be perceived by all members of society that different cultures constitute the common heritage of all. In addition, cultural multiplicity should be seen as a means of enriching human values and strengthening human rights standards and not as an opposition to the universality of those rights.

66. Institutional arrangements which could enhance inter-group understanding should be promoted. Experience with existing "community relations commissions" has proved that they can contribute to the prevention of conflicts and, if required, can have a positive impact on their resolution. The involvement of vulnerable groups in such institutional arrangements might facilitate their work and make them operative and effective structures.

67. The Third Decade to Combat Racism and Racial Discrimination, 1993-2002, provides the framework for international activities with regard to the elimination of racism and racial discrimination. The revised Programme of Action for the Third Decade, adopted by the General Assembly at its forty-ninth session, in resolution 49/146 of 23 December 1994, guides the international community in this crucial area. The Commission on Human Rights, in its resolution 1995/11 of 24 February 1995, 4/ requested the Secretary-General to publish and distribute as soon as possible the model legislation on racism and racial discrimination for the guidance of Governments. On 8 August 1995, the Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities held a joint meeting, with the participation of the Special Rapporteur of the Commission on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, for the purpose of reinforcing their action and cooperation in the framework of the Third Decade.

68. The activities of the United Nations Year for Tolerance, 1995, proclaimed by the General Assembly in resolution 48/126 of 20 December 1993, for which UNESCO is the lead organization, should be thoroughly evaluated. The conclusions will help to guide future activities aimed at developing a human rights culture.

### 2. Women

69. High priority is attached in the United Nations human rights programme to the equal status and human rights of women, whose integration into the mainstream of United Nations system-wide activities was called for by the World Conference on Human Rights. Since the outset of his tenure, the High Commissioner has associated himself with this approach. Issues which have attracted particular attention are: (a) obstacles to the realization of the human rights of women; (b) elimination of gender-based violence against women in public and private life; (c) traditional practices affecting the health of women and girl children; (d) cooperation and coordination between relevant United Nations organs and bodies, in particular with the Division for the Advancement of Women of the Secretariat; (e) reflection of problems related to the human rights of women in the reporting guidelines and procedures of various human

rights treaty bodies - under the auspices of the High Commissioner, an expert group organized by the Centre for Human Rights and the United Nations Development Fund for Women to help define such guidelines and procedures held its first meeting at Geneva in July 1995; (f) including the equal status and rights of women in the mainstream of the Centre's activities (including the programme of technical cooperation and publications) and the establishment of a related focal point in the Centre; and (g) coordinating activities related to women's rights system-wide, with the aim, inter alia, of developing a strategy for ensuring the provision of more comprehensive information system-wide and for greater media coverage on women's issues, in close cooperation with the Department of Public Information.

70. The equal status and rights of women were also one of the keynotes of the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing in September 1995. The High Commissioner submitted an analysis of the preparatory documents for the Beijing Conference from the point of view of international human rights standards to the Secretary-General and the organizing committee of the Conference. The Platform for Action adopted at Beijing reaffirmed the fundamental value of women's rights. In stressing the need for equal status and protection of women, it contributes significantly to the United Nations human rights programme. On 25 October 1995, a panel discussion on the topic "Women's rights as human rights" was held in New York, in which eminent specialists and high-level representatives of the international community participated (see para. 1 above). At this discussion, it was stressed, inter alia, that the Vienna Declaration and Programme of Action and the Beijing Platform for Action coincide and thus call for coordinated and coherent efforts.

71. Violence against women constitutes one of the major obstacles to the enjoyment by women of their human rights and fundamental freedoms. The Commission on Human Rights, in its resolution 1995/85 of 8 March 1995, 4/ condemned all acts of gender-based violence against women and emphasized the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women. The Commission stressed the recommendation of the Special Rapporteur on violence against women that States should implement the Declaration on the Elimination of Violence against Women contained in General Assembly resolution 48/104 of 20 December 1993. In its resolution 1995/86 of 8 March 1995, 4/ the Commission encouraged the efforts made by the High Commissioner with a view to coordinating United Nations activities dealing with violations of the human rights of women. Following a recommendation of the Commission, the High Commissioner placed the question of the human rights of women on the agendas of the meetings of special rapporteurs, representatives and experts, and of the chairpersons' treaty bodies.

72. Problems relating to the equal status and rights of women should be systematically analysed by Governments and non-governmental organizations. Attention should be paid, inter alia, to the impact of economic adjustment or transitional policies on the rights of women.

### 3. Children

73. The World Conference on Human Rights stressed the importance of major national and international efforts aimed at promoting respect for the child's rights to survival, protection and development. Promotion and protection of the rights of the child at the international level are characterized by a dynamic

which, if continued, should allow for real progress in the protection of children. The programme adopted by the High Commissioner, who has proclaimed the protection of the rights of the child as one of his priorities, has the following objectives: (a) better coordination of United Nations efforts, inter alia, in the framework of a working agreement between the United Nations Children's Fund (UNICEF) and the Centre for Human Rights; (b) strengthening of the Centre's capacity with regard to the rights of the child, with a view, inter alia, to better support for the Committee on the Rights of the Child; (c) system-wide cooperation towards achieving the objectives established in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 9/ adopted by the World Summit for Children held in New York in September 1990; and (d) establishing working cooperation between the Centre and relevant organizations concerned with the protection of children traumatized by war. The High Commissioner appealed to Governments for implementation of the programme, which he prepared in collaboration with the Committee on the Rights of the Child and UNICEF to support the Committee's work.

74. Efforts have been made to achieve better coordination between the activities of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, UNICEF and other United Nations bodies and agencies, as well as non-governmental organizations. The endeavours of the International Labour Organization (ILO) to protect working children and abolish child labour have received additional impetus with the establishment of the Interdepartmental Project on the Elimination of Child Labour (INTERDEP) and the International Programme on the Elimination of Child Labour (IPEC). INTERDEP concentrates on promoting policies on the abolition of child labour and the protection of working children through regional seminars, awareness-raising and research on the nature and extent of the problem and possible approaches to alleviating it. Through IPEC, this work was translated into action projects at the local and national levels. In these activities, ILO collaborates with other international bodies, particularly UNICEF and the Committee on the Rights of the Child. 10/ Close collaboration has also been achieved between the Centre for Human Rights and UNICEF in providing support to the expert preparing the study on the situation of children affected by armed conflicts, pursuant to General Assembly resolution 49/209 of 23 December 1994.

75. The High Commissioner gives importance to promoting inter-agency cooperation also in implementing the recommendations of the Committee on the Rights of the Child. He convened a meeting on 15 June 1995 at Geneva to discuss assistance to States in implementing Committee recommendations. Members of the Committee on the Rights of the Child, representatives of the Crime Prevention and Criminal Justice Branch of the Secretariat and of UNICEF, UNDP, UNHCR, ILO, UNESCO and the World Health Organization (WHO), and the non-governmental organization coordinator in Geneva for the rights of the child discussed a wide range of issues, including the best ways for each of them to contribute to the implementation of the recommendations of the Committee, how those contributions could be coordinated and how the Committee could formulate its recommendations in order to facilitate action by the various agencies. Members of the Committee identified priority areas for technical cooperation projects, such as building national institutions designed to promote and monitor the rights of the child, law reform, education and training. In addition, the steps taken to implement past recommendations in specific countries were reviewed. The importance of the subjects discussed and the progress made at the meeting led the participants to

recommend that similar meetings be organized in the future. The High Commissioner will be organizing such meetings in connection with each session of the Committee.

76. Two open-ended working groups established by the Commission on Human Rights in 1994 to draft optional protocols to the Convention on the Rights of the Child, concerning the prevention and eradication of the sale of children, child prostitution and child pornography and the involvement of children in armed conflicts, continue their work.

### 4. Minorities

77. Unsolved problems relating to national or ethnic, religious and linguistic minorities are widely recognized as a major source of international and internal conflicts involving widespread human rights violations. The international community, including Governments, human rights organs and treaty bodies, as well as non-governmental organizations, is taking a number of initiatives to protect effectively persons belonging to minorities. The General Assembly, in its resolution 49/192 of 23 December 1994, and the Commission on Human Rights, in its resolution 1995/24 of 3 March 1995, 4/ focused on giving effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which was adopted by the General Assembly in its resolution 47/135 of 18 December 1992. In its resolution 49/192, the Assembly called upon the High Commissioner to promote, within his mandate, implementation of the principles contained in the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose. In his contacts with Governments, the High Commissioner has referred to issues relating to minorities as a complex human rights problem and appealed for government policies which would respond to the legitimate expectations of all people living in a country and would enable everyone to live in security with respect for his or her rights.

78. The Working Group on minorities, established by the Commission on Human Rights on the proposal of the Subcommission on Prevention of Discrimination and Protection of Minorities, met for the first time, from 28 August to 1 September 1995, with the mandate of reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, of examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments, and of proposing further measures for the protection of persons belonging to minorities. The session was attended by numerous observers for Governments, specialized agencies and non-governmental organizations. Both the High Commissioner and the Working Group declared their willingness to cooperate closely with each other within their respective mandates.

### 5. Indigenous people

79. In the Vienna Declaration and Programme of Action, the international community reaffirmed its commitment to the economic, social and cultural well-being of indigenous people and their enjoyment of the fruits of sustainable development. However, the protection of indigenous people should not be guided only by legal obligations resulting from international standards. It is the responsibility of the whole international community to create universal understanding that protection of indigenous people also means maintenance of the

irreplaceable, diversified human culture. Violation of the rights of indigenous people most frequently impoverishes the overall heritage of mankind as well. The General Assembly, in resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, 1995-2004. The Department of Public Information of the Secretariat, in cooperation with the Centre for Human Rights, has published a newsletter containing basic information concerning the Decade. The Assistant Secretary-General for Human Rights has been vested with the responsibility of coordinating implementation of the Decade.

80. The Commission on Human Rights, following the request by the Subcommission on Prevention of Discrimination and Protection of Minorities, decided in its resolution 1995/32 of 3 March 1995, 4/ to establish an open-ended, inter-sessional working group to elaborate a draft declaration on the rights of indigenous peoples.

## C. Extrajudicial, summary or arbitrary executions

81. The eradication of extrajudicial, summary or arbitrary executions is a matter of the highest priority in the protection of human rights. In its resolution 1995/73 of 8 March 1995, 4/ the Commission on Human Rights once again strongly condemned the practice of such executions and demanded that all Governments ensure that it be brought to an end. The obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions should be considered of the utmost importance in the context of the protection of the fundamental right to life. The Commission urged the Special Rapporteur on extrajudicial, summary or arbitrary executions to draw the attention of the High Commissioner to situations of particularly serious concern or where early action might prevent further deterioration.

82. The Commission expressed its concern that a number of Governments mentioned in the report of the Special Rapporteur 11/ had not replied to allegations and reports transmitted to them by the Special Rapporteur. It decided that the mandate of the Special Rapporteur should be extended for three years.

## D. Torture

83. Torture remains one of the most atrocious and shameful violations of human dignity. The call of the World Conference on Human Rights for its eradication is not only a political guideline but, first and foremost, a fundamental moral imperative. Human rights organs and treaty bodies have undertaken numerous steps to implement the recommendation contained in the Vienna Declaration and Programme of Action. However, torture and cruel, inhuman or degrading treatment or punishment are still tolerated in many parts of the world. Full support should be given by Governments, relevant United Nations organs and bodies, and international and non-governmental organizations to the specific measures outlined by the Commission on Human Rights in its resolutions 1994/37 of 4 March 1994 12/ and 1995/37 of 3 March 1995, 4/ with a view to preventing or combating torture, as well as assisting victims of torture. The High Commissioner is actively encouraging increased contributions to the United Nations Voluntary Fund for Victims of Torture, which is the main vehicle for providing concrete assistance to victims of torture and their families. While

carrying out his dialogue with Governments, the High Commissioner has also been raising other problems, including universal ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in General Assembly resolution 39/46 of 10 December 1984, as well as the expeditious adoption of the Optional Protocol to that Convention. States should abrogate legislation leading to impunity for those responsible for grave violations of human rights, such as torture, and prosecute such violations.

84. Special attention is being given to ensuring respect for and implementation of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment contained in General Assembly resolution 37/194 of 18 December 1982. In cooperation with WHO and non-governmental organizations, the Centre for Human Rights is taking steps to ensure that principles of medical ethics are made familiar to physicians and persons in other relevant professions.

## E. Enforced disappearances

85. The World Conference on Human Rights expressed concern about the increase in enforced disappearances in various parts of the world, particularly as a consequence of large-scale internal conflicts. The Commission on Human Rights, in its resolution 1995/38 of 3 March 1995, 4/ expressed its deep concern at the increase and spread of the practice. Governments should respond promptly and positively to the appeal of the Commission to put an end to it. Acts of enforced disappearance should be classified as offenses under criminal law punishable by appropriate penalties which take into account their extreme seriousness. The Working Group on Enforced or Involuntary Disappearances helps prevent or combat this practice. To that end, Governments concerned should intensify their cooperation with the Working Group and take action on the recommendations it addresses to them. The technical cooperation programme is available with regard to reform of legislation and training in this respect.

## F. Internally displaced persons

86. International and internal conflicts, grave human rights violations - including discrimination and mass expulsions - famine and economic disasters are sources of a rapidly growing number of internally displaced persons and refugees worldwide. A lasting solution to these phenomena can be achieved only through the elimination of their causes, which often consist in the violation of human rights.

87. The High Commissioner, in cooperation with the relevant United Nations programmes and agencies, in particular UNHCR, and regional organizations, as well as with the representative of the Secretary-General on internally displaced persons, is considering steps to be taken in order to create the framework for continued protection of the human rights of displaced persons and refugees. Attention is being paid in particular to: (a) ensuring an international human rights presence in countries with large internally displaced/refugee populations, especially in locations where there are concerns for the protection of displaced persons, for example, in camps and at returnee sites; (b) dispatching human rights field officers to collect information, ascertain protection needs, monitor the situation, provide the Secretary-General's representative with information and disseminate knowledge of human rights; (c) elaboration of guidelines on how to monitor and report on the human rights

situation specifically of displaced persons and to include displacement-related human rights law in manuals to be prepared for field staff; (d) support for the Secretary-General's representative in his efforts, especially with regard to his missions and follow-up to his recommendations; (e) inter-agency coordination both at Headquarters and in the field; (f) increasing human rights training activities for staff of humanitarian and peace-keeping operations; (g) human rights training activities, specifically with regard to displaced persons, for community leaders and members of the armed forces and police; and (h) the participation of non-governmental organizations with expertise in human rights assistance to displaced persons.

## IV. UNITED NATIONS HUMAN RIGHTS MACHINERY

### A. Cooperation and coordination

88. Pursuant to General Assembly resolution 48/141 of 20 December 1993, and in line with the Vienna Declaration and Programme of Action, the High Commissioner for Human Rights is responsible for system-wide coordination of activities aimed at the promotion and protection of human rights. A permanent dialogue with the United Nations programmes and agencies has been established to maintain systematic exchanges of information, experience and expertise.

89. The High Commissioner undertakes initiatives aimed at concluding working agreements or memoranda of understanding with programmes and agencies. These define the framework for cooperation at the operational level. In 1994 a joint work programme was signed between the Centre for Human Rights and UNICEF, and in 1995 memoranda of understanding were signed with UNESCO and with the United Nations Volunteers programme. The High Commissioner is assisted by the Centre for Human Rights in his responsibilities of coordination within the United Nations system. A system of continuous intra-institutional consultations and exchange of information at the working level is being established within the Centre for Human Rights to prepare substantive input in selected areas, for example, development, children and education.

90. The coordination of human rights activities throughout the United Nations system was the subject of debate in the framework of the coordination segment of the Economic and Social Council (26-30 June 1995) which had on its agenda coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields. The same topic was considered by ACC during its autumn 1995 session. The High Commissioner presented his views and proposals to those meetings.

### B. Treaty bodies

91. The treaty bodies, based on six human rights conventions, have not only become effective structures monitoring the compliance by States with the human rights obligations resulting from those treaties: their impact in the field of human rights goes far beyond this function and extends, inter alia, to clarification of the content of human rights; the functioning of the human rights machinery, including early warning and preventive measures; cooperation of Governments with the United Nations; protection of individuals in the framework of optional communications procedures; and human rights education. The treaty bodies are confronted with serious problems related to overdue reports and to a backlog in the consideration of reports. Subsidiary procedures, which have been developed by some treaty bodies, in the first case, and additional sessions in the second could be helpful in coping with these problems. The World Conference on Human Rights and, subsequently, the General Assembly and the Commission on Human Rights called for steps aimed at reducing the reporting burden on States, including by cross-referencing in the reports, elimination of overlapping in the reporting obligations to the various treaty bodies and to ILO, and consideration of the utility of single comprehensive reports. Those recommendations require careful attention by the competent organs and bodies.

92. These and other issues, including the integration of various elements of the human rights machinery, secretariat support and computerization, financing of treaty bodies, monitoring of the human rights of women, the role of non-governmental organizations, and public information, were discussed during the 6th meeting of persons chairing the human rights treaty bodies, held at Geneva from 18 to 22 September 1995. The chairpersons stressed, inter alia, the need for urgent steps to ensure a substantial increase in the specialized staff assigned to service the committees. The treaty bodies are continuing to elaborate new working methods which enable them not only to carry out their original functions but also to react to current and evolving needs with, for example, ad hoc reports in emergency situations and field missions. The chairpersons emphasized two important objectives that have shaped the work of the treaty bodies in recent years, namely, increased interaction and participation of the specialized agencies and non-governmental organizations, and the establishment of closer links between the findings of treaty bodies and the technical cooperation programme. In his statement to the meeting, the High Commissioner reassured the chairpersons that he perceived it as his responsibility to facilitate the activities of the treaty bodies and contribute to the follow-up of their recommendations. On 19 June 1995, the Secretary-General met the chairpersons of the treaty bodies together with the High Commissioner.

## C. Special procedures

93. The World Conference on Human Rights underlined the importance of preserving and strengthening the system of special procedures, rapporteurs, experts and working groups and of providing them with the necessary human and financial resources. The number of special procedures established by the Commission on Human Rights amounts today to 14 thematic procedures and 12 procedures relating to country situations, while the Secretary-General has appointed 15 special representatives dealing also with human rights matters. The second annual meeting of special rapporteurs, special representatives of the Secretary-General and chairmen of the Working Groups took place at Geneva from 29 to 31 May 1995. The meeting adopted recommendations concerning, inter alia, the principle of the independence and impartiality of participants as experts; means allowing the participants to follow procedures respecting the principle of "due process"; the need for cooperation between the United Nations agencies acting in the field and human rights special procedures; cooperation between the holders of country-specific and thematic mandates; a system of information-flow between the participants and other actors involved; consideration of the participants' reports by the Commission on Human Rights; the human rights of women; and the scarcity of resources allotted for the participants' activities.

94. In his statement to the meeting, the High Commissioner stressed that, in keeping with their respective mandates, the functions of the special procedures and those entrusted to him were naturally complementary and mutually reinforcing. The work of the special procedures was among the most tangible in terms both of fact-finding and advice and assistance. The participants invited the High Commissioner to continue and to develop his practice of encouraging cooperation by Governments with participants' mandates.

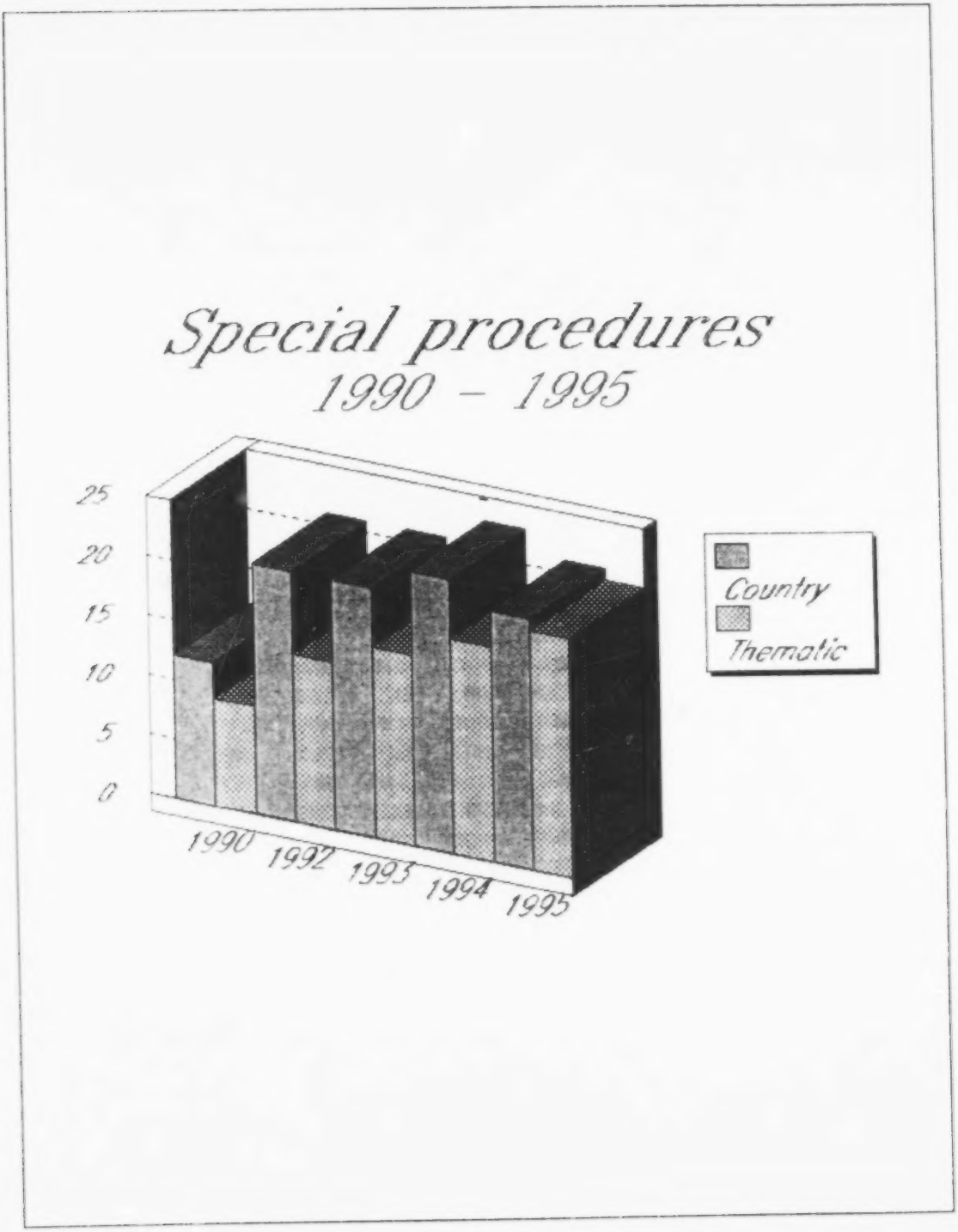
Special procedures
1990 - 1995
25
20
15
10
5
0
1990
1992
1993
1994
1995
Country
Thematic

FIGURE 6

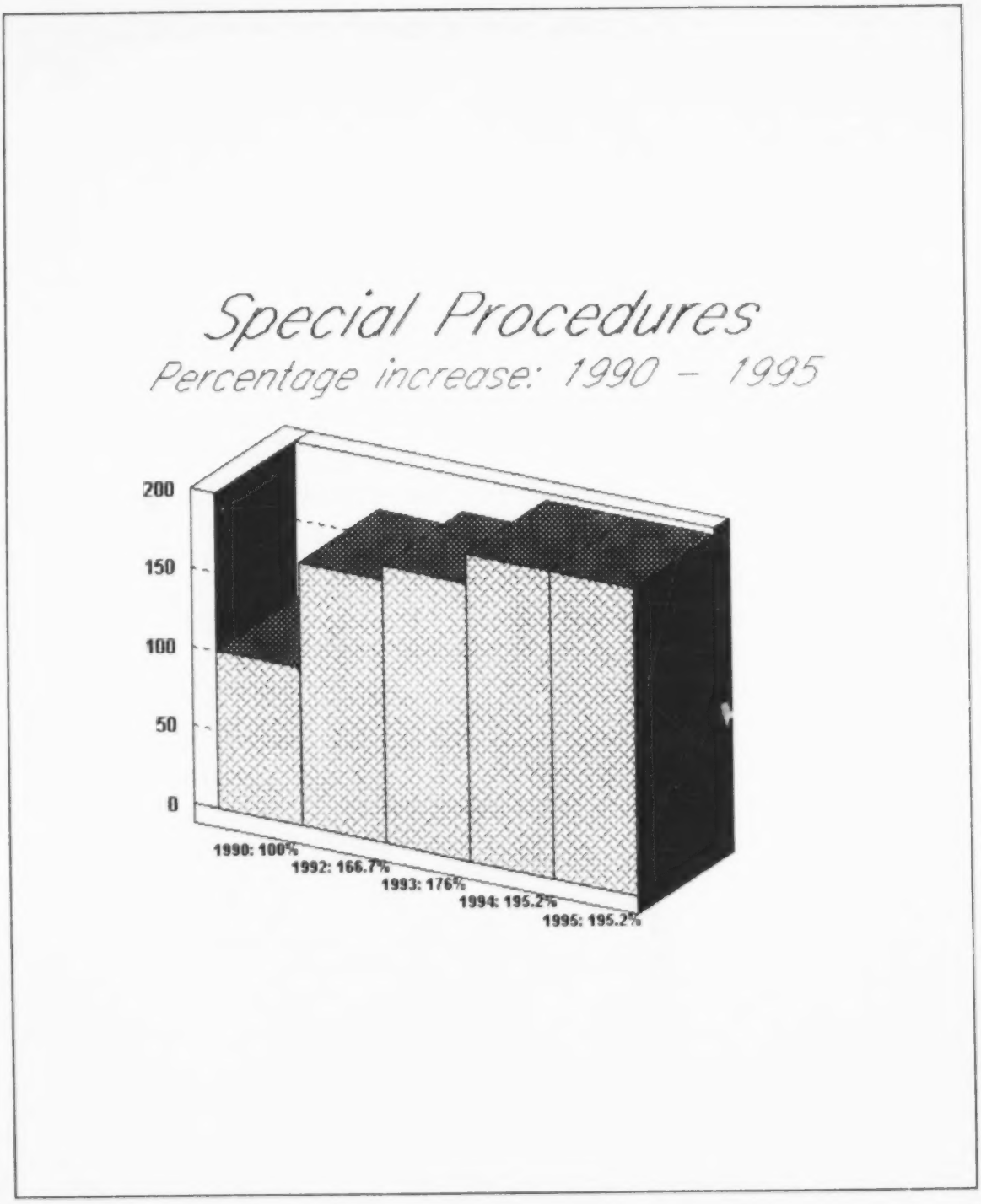
Special Procedures
Percentage increase: 1990 – 1995
200
150
100
50
0
1990: 100%
1992: 166.7%
1993: 176%
1994: 195.2%
1995: 195.2%

FIGURE 7

## D. Adaptation of the machinery

95. The strengthening and adaptation of the United Nations human rights machinery to current and future needs was perceived by the World Conference on Human Rights as a prerequisite for the implementation of the United Nations human rights programme. This is a multidimensional and continuing process in the framework of which reforms relating to specific organs or procedures are placed against the background of the overall adaptation of the United Nations human rights machinery. The process should be based on an interlinkage between structural reform, a plan of action for the implementation of the Vienna Declaration and Programme of Action, and the provision of adequate human and financial resources.

96. In line with the Vienna Declaration and Programme of Action, measures are being taken to make the human rights machinery: (a) more effective and cost efficient; (b) able to act swiftly and to respond appropriately to human rights situations; (c) stronger, through international cooperation in the field of human rights, based on mutual confidence; and (d) more transparent and understandable to the outside world.

97. The mandate of the High Commissioner includes specific responsibility for the reform of the United Nations machinery in the field of human rights. The adjustment of a given organ or body to the new needs remains the primary responsibility of the organ or body in question. The High Commissioner assists and facilitates human rights organs and bodies in their endeavours, analysing the existing United Nations human rights machinery with a view to working out proposals for its overall adaptation and undertaking measures to strengthen the implementation of their recommendations and decisions.

98. In keeping with his mandate with regard to the overall supervision of the Centre for Human Rights and following the recommendations made by the Office for Inspections and Investigations, after a review of the programme and administrative practices of the Centre in June 1994, the High Commissioner has initiated a process to consider how the programme of work and the organization of the Centre could be best structured to achieve the Centre's objectives. The results of this process will contribute to strengthening the functional framework for integrated and consolidated activities of the secretariat in the field of human rights. The following approach has been adopted: (a) first step (mid-March 1995) - a discussion at the level of the Centre's secretariat assessed its experience in the implementation of the human rights programme, identified gaps and weaknesses in existing working methods and changes needed to address the issues raised in the June 1994 review; simultaneously, consideration has been given to basic themes under which the mandates of the human rights programme as reflected in the Vienna Declaration and Programme of Action, the High Commissioner's mandate and the specific mandates given to the Centre by policy-making organs could be organized; (b) second step - based, inter alia, on the information and ideas so generated - a detailed study is being carried out by an external consultant on how best to adapt the structure of the secretariat to the priorities of the Vienna Declaration and Programme of Action and to respond to the gaps and weaknesses identified, inter alia, in the June 1994 review; (c) third step - after the review of recommendations, a new structure of the Centre should be implemented. In addition to the above, steps have already been taken to strengthen the administrative services of the Centre and to provide training to staff in administration and management. The time-frame for the restructuring exercise is mid-March to the end of 1995.

99. The creation within the Centre for Human Rights of a human rights database, organizing the flow of information and documentation, will substantially enhance and support the work of human rights organs and treaty bodies, facilitate access of Governments to human rights information, and advance overall cooperation in the field of human rights.

## E. Resources

100. The World Conference on Human Rights expressed its concern about the growing disparity between the United Nations human rights activities and the resources available to carry them out. The increase of the share of the human rights programme in the overall proposed United Nations programme budget to about 1.8 per cent is an important step to address this issue. However, the disparity is growing and the continuous increase of the workload of the Centre for Human Rights is placing ever greater demands on its resources. The present report and other reports on human rights activities submitted to the General Assembly at its fiftieth session unmistakably reflect this process. Furthermore, the General Assembly, in establishing the post of United Nations High Commissioner for Human Rights in its resolution 48/141 of 20 December 1993, requested that appropriate resources be provided to enable the High Commissioner to fulfil his mandate.

101. It is evident that adequate human, financial and material resources are necessary in order to carry out, in full and on time, the United Nations mandates established in the field of human rights. While tribute should be paid to those countries that make contributions to the voluntary human rights funds, and all countries should be urged to contribute to them, it is important that the resources provided from the regular budget of the United Nations for the human rights programme correspond to the expanding mandates of the United Nations High Commissioner for Human Rights and the Centre for Human Rights.

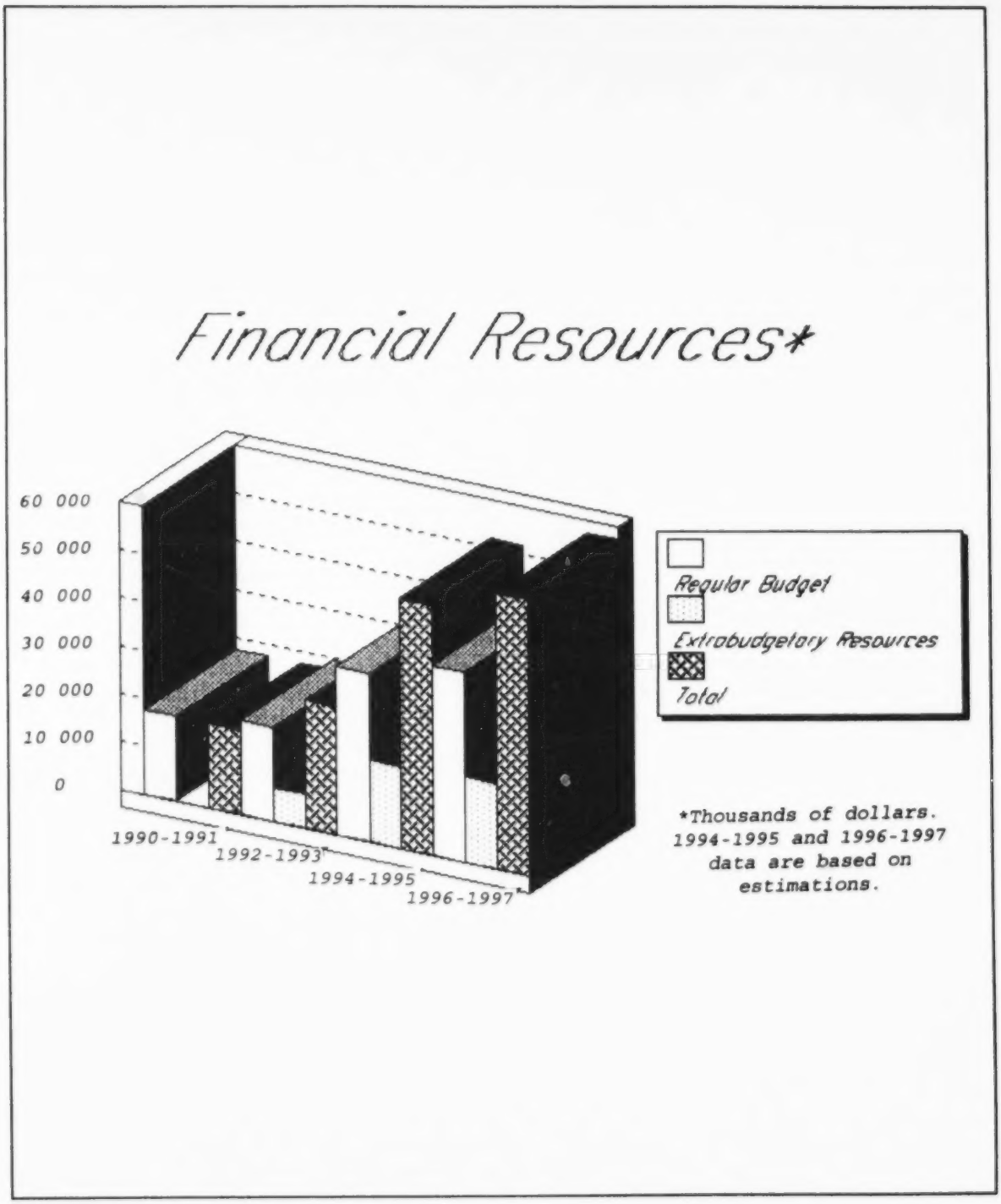
Financial Resources*
60 000
50 000
40 000
30 000
20 000
10 000
0
1990-1991
1992-1993
1994-1995
1996-1997
Regular Budget
Extrabudgetary Resources
Total
*Thousands of dollars.
1994-1995 and 1996-1997
data are based on
estimations.

FIGURE 8

## V. CONCLUSIONS: IMPLEMENTING THE VIENNA DECLARATION AND PROGRAMME OF ACTION

102. The Vienna Declaration and Programme of Action is a reaffirmation of the solemn commitment of all States to promote and protect all human rights and fundamental freedoms. Since its adoption, in June 1993, it has acquired practical strength and effectiveness through continuously increasing international cooperation. The World Conference on Human Rights has shaped a new vision of the promotion and protection of human rights and fundamental freedoms. The organs of the United Nations system now place their human rights activities well within the perspective of the Vienna Declaration and have resolved on specific actions to achieve its objectives. Governments have repeatedly stated the relevance of the Declaration to national needs and the importance of cooperating internationally within its framework. Nationally and internationally, non-governmental organizations have been inspired by the Declaration and many of them report adopting new methods and initiating new activities to achieve its objectives.

103. The Vienna Declaration and Programme of Action provides the foundation for the High Commissioner's activities. Its strong reference to international cooperation guides the High Commissioner's approach to the promotion and protection of human rights. His dialogue with Governments with a view to enhancing respect for human rights involves a wide range of activities including action to bring violations to an end and to prevent the outbreak of serious violations. Prevention has become central to international human rights preoccupation as the international community sees years of development efforts destroyed overnight by outbreaks of serious violations and the generation of refugees, internally displaced persons and mass exoduses. The High Commissioner avails himself of every opportunity to use diplomacy to obtain results on specific matters and, when circumstances require, he also uses the many other tools at his disposal, including the provision of human rights technical cooperation. In coordinated efforts aimed at implementation of the Vienna Declaration and Programme of Action primary emphasis is being placed on: strengthening of the United Nations human rights machinery and its adaptation to the new challenges, including human rights field operations and follow-up of recommendations and decisions of human rights organs and bodies; assistance to vulnerable groups; enhancement of various forms of activities undertaken by Governments and civil society to promote and protect human rights; and strengthening of cooperation among all actors involved in the implementation of the Vienna Declaration and Programme of Action.

104. Under the impact of the Vienna Declaration and Programme of Action and the mandate entrusted to the United Nations High Commissioner for Human Rights, the United Nations human rights programme is undergoing a profound transformation at both the substantive and organizational levels. Future-oriented decisions adopted by the World Conference require a continuous adaptation of the programme to current and emerging needs. The development of human rights field presence appears to be one of the major challenges and most promising perspectives in this context. Target-oriented and with adequate organizational and logistical support, these operations may contribute decisively to the prevention of human rights violations, to ending continuous violations, to the durable and peaceful resolution of conflicts, and to the creation of conditions for the development of nations and individuals. Taking full advantage of this new opportunity demands the coordinated efforts of the United Nations system.

105. The interlinkage of human rights, democracy and development, proclaimed by the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights. The High Commissioner has adopted this approach both in relation to Governments and in his activities of international coordination, in particular within the United Nations system. In order for their promotion and protection to be effective, human rights must permeate the activities of all international agencies so that each, within its own mandate, can make its own important contribution to this common objective. This is especially true with regard to the right to development and economic, social and cultural rights.

106. One of the important objectives of the United Nations in establishing the post of United Nations High Commissioner for Human Rights was to ensure more effective coordination of the numerous activities in favour of human rights throughout the system and to increase the efficiency and strengthen the impact of the United Nations human rights machinery. The High Commissioner does not seek to replace existing organs, bodies or procedures, but to strengthen them and better coordinate their activities.

107. The success of the activities of the human rights programme and of the High Commissioner in the future will depend on the support and understanding of the international community and on the cooperation received from Governments, international organizations, non-governmental organizations and people throughout the world. This must include adequate human and financial resources for the implementation of the Vienna Declaration and Programme of Action, the activities of the High Commissioner and the Centre for Human Rights. That support will help in responding to the hopes and expectations generated by the World Conference on Human Rights and the establishment of the post of United Nations High Commissioner for Human Rights and in promoting international peace and security and better standards of life in larger freedom as embodied in the Charter of the United Nations.

## Notes

1/ See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2/ Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), para. 594.

3/ See E/CN.4/1995/89.

4/ See Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2).

5/ E/CN.4/1995/23.

6/ E/CN.4/1995/24.

7/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 36 (A/49/36).

8/ A/49/261/Add.1, annex.

9/ See A/45/625, annex.

10/ See also A/49/326.

11/ E/CN.4/1995/61.

12/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1).